

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Contracts and Purchasing

DEPARTMENT: Fiscal Services **DIVISION:** Purchasing and Contracts Division

AUTHORIZED BY: Lisa H. Spriggs **CONTACT:** Ray Hooper **EXT.** 7111

Agenda Date 2/10/04 **Regular** ☐ **Consent** ☒ **Work Session** ☐ **Briefing** ☐
Public Hearing – 1:30 ☐ **Public Hearing – 7:00** ☐

MOTION/RECOMMENDATION:

BACKGROUND:

CONSTRUCTION CONTRACTS

14. **Award CC-1222-03/TLC – Continuous Contacts for Public Works Minor Construction – Construction Costs less than \$500,000.00 to Central Florida Environmental Corp., JCB Construction, Inc., American Persian Engineers & Contractors, Inc., and Schuller Contractors, Inc. (Not-to Exceed \$5,000,000.00 per year for all contracts combined).**

CC-1222-03/TLC will provide for all labor, materials, equipment, coordination and incidentals necessary to furnish continuing construction services for Public Works

Reviewed by:

Co Atty: _____

DFS: _____

Other: _____

DCM: AK

CM: KB

File No. CFSP00

minor projects with an estimated construction cost of less than \$500,000.00.

This project was publicly advertised, and the County received five (5) responses. One bidder, C.A. Meyer Paving and Construction Co., was found non-responsive and disqualified for failure to be FDOT qualified.

The Review Committee comprised of Antoine Khoury, P.E., Principal Engineer, Steve Krug, P.E., Principal Engineer and Purchasing and Contracts Division evaluated the four remaining bids. Consideration was given to the firm's qualifications, experience and proposed costs.

The Review Committee recommends award of the contract to the four (4) lowest priced responsive, responsible bidders, Central Florida Environmental Corp., JCB Construction, Inc., American Persian Engineers & Contractors, Inc., and Schuller Contractors, Inc. Each agreement will be effective for one year from the date of execution and at the option of the County may be renewed each year for two additional years (three years total).

Authorization for performance of services by the Contractors under this agreement shall be in the form of written Work Orders issued and executed by the County and signed by the Contractors. Each of the four contractors will be allowed to propose on each work order. They may bid unit prices below their contract unit price, but may not bid higher. Each work order will be awarded to the contractor offering the lowest price that meets the County's schedule. When time is critical, the A+B method of evaluation may be utilized.

The work and dollar amount for each Work Order will be based on the project and will be negotiated on an as-needed basis, not to exceed \$500,000.00 per work order. The budget funding for this contract will be with each work order, since each work order has a unique scope and cost. The total annual not to exceed amount will be \$5,000,000.00 per year for all four contracts combined.

Public Works and Fiscal Services/Purchasing and Contracts Division recommend that the Board approve the project and authorize the Chairman to execute the agreements as prepared by the County Attorney's Office.

- 15. Accept and authorize the Chairman to execute the Certificate of Final Completion for DB-606-01/BJC – I-4 Trail Overpass Design/Build Project, with Martin K. Eby Construction, Inc., Maitland (Certificate of Completion).**

DB-606-01/BJC provided for all labor, materials, equipment and coordination necessary for the design and construction of a new trail overpass and connection over Interstate 4 (I-4); including a connector trail from the bridge landing on the East Side of I-4 to the Rinehart Road trail. As of January 16, 2004, all work and

documentation has been satisfactorily completed. Public Works/Engineering Division and Fiscal Services/Purchasing and Contracts Division recommend that the Board approve the acceptance and authorize the Chairman to execute the Certificate of Completion.

REQUEST FOR PROPOSALS

16. Award RFP-4205-03/TLC – Insurance Brokerage Services for Seminole County to Arthur J. Gallagher & Co. – Orlando (6% Commission with a \$100,000 Maximum).

RFP-4205-03/TLC will provide for an all lines aggregate insurance program including the following coverages: Property, General Liability, Automobile Liability, Public Official's Errors & Omission, Employee Benefits Liability, Crime, and Workers' Compensation. The contract term is five years.

This project was publicly advertised and the County received two proposals, listed alphabetically:

- Arthur J. Gallagher & Co., Orlando
- Marsh, Lake Mary

The Evaluation Committee, which consisted of Linda Eiland, Risk Management; Ann Colby, County Attorney's Office; and Meloney Lung, Administrative Services, evaluated the submittals. The initial evaluation criteria consisted of the following:

- Qualifications of firm, Personnel and Sub-consultants
- Broker Compensation; Disclosure of other revenue
- Services Provided
- Communication
- Program Design/Implementations

Based on the initial evaluations, the Committee interviewed both firms and then requested Best and Final offers from both. Upon evaluating the Best and Final offers, the Evaluation Committee recommended award to Arthur J. Gallagher & Co. of Orlando as the most advantageous to the County and for their willingness to enter into a five contract at a 6% commission rate and a not to exceed (NTE) cap of \$100,000 per year. Marsh was unwilling to enter into a firm commitment for a five year contract, did not give a NTE cap, and could not provide a fee schedule beyond two years.

On January 7, 2004, Marsh filed a protest of award with the Purchasing and Contracts Division. In accordance with the Seminole County Purchasing code, this item was pulled from the January 13th agenda while the merits of the protest were evaluated. After a full consideration of the arguments presented by the

protest, the Purchasing and Contracts Manager rejected the protest as being without merit on January 20th. (Marsh's protest letter and the Purchasing and Contracts Manager's response are both included in the backup.)

Administrative Services/Risk Management and Fiscal Services/Purchasing and Contracts Division recommend that the Board award the project and authorize the Chairman to execute the agreement as prepared by the County Attorney's Office.

17. Award RFP-4198-03/PWM – Legal Services for Construction Claims and Litigation, to Kirwin Norris, P.A., Winter Park (\$135.00 per hour – all inclusive blended hourly rate).

RFP-4198-03/PWM will provide for professional legal services for Seminole County Government as needed and as authorized to provide:

- legal services on a case by case basis relating to public construction contract litigation, dispute resolution and dispute avoidance;
- telephone consultation with the County's in-house counsel;
- fulfillment of other public construction requirements of the County's in-house counsel upon request;
- review proposed contracts, bid specification and other contract documents as requested by the County;
- with County approval, hire consultants (schedules, engineers, architects, and claims consultants) and;
- estimated fees and costs for each case assigned to firm. Provide regular updates on case progress.

This project was publicly advertised and the County received three (3) responses, listed below in alphabetical order:

- Broad and Cassel of Orlando
- Gray Robinson, P.A. of Orlando
- Kirwin Norris, P.A. of Winter Park.

The Evaluation Committee composed of Henry Brown, Assistant County Attorney; Jamie Croteau, Director of Administrative Services; Kathleen Myer, Principle Engineer; and Stephen Lee, Assistant County Attorney; evaluated the submittals against the criteria specified in the RFP documents. Consideration was given to the following:

- knowledge and reputation of the firm;
- known work product (past performance);
- location of the firm; and
- firm's proposed fee schedule.

The Evaluation Committee recommends that the Board to award the contract to the lowest priced responsive, responsible Proposer, Kirwin Norris, P.A., Winter Park at a \$135.00 blended hourly rate. The Agreement will become effective upon execution by the County and shall run for a period of one (1) year. At the option of the County, the contract may be renewed for two (2) successive periods not to exceed one (1) year each.

The account numbers for this project will vary depending of the type of project and the Department originating the request. Public Works/Engineering, Administrative Services, County Attorney's Office and Fiscal Services/Purchasing and Contracts recommend that the Board to approve the project and authorize the Chairman to execute the Agreement as prepared by the County Attorney's Office.

18. Award RFP-4206-03/GMG – Concession Services Agreement for Seminole County Softball Complex, to Timothy and Pamela Grubbs, Apopka (15% commissions of gross receipts).

RFP-4206-03/GMG will provide for concession services for the Seminole County Softball Complex.

This project was publicly advertised and the County received two (2) submittals in response to the solicitation. The Evaluation Committee, which consisted of Joe Gasparini, Parks and Recreation Division Manager; Meloney Lung, Support Services Division Manager and Angi Thompson, Principal Analyst/Support Services, evaluated the submittals. The evaluation was based on the following best value criteria:

Technical Plan

- Understanding of the Scope of Services and proposed approach.
- Qualifications of the firm to provide required services, response time.
- Availability of equipment, and demonstrated experience to provide high quality food service efficiently.
- Selection – Variety of items, guaranteed fresh, local service/local company
- Menu Schedule.

Price Proposal

- Expected financial return to Seminole County Government.
- Ability to provide reasonable prices to the customer.

Past Performance

- Performance on prior contracts with similar scope

The Evaluation Committee recommends award of the contract to the most responsive, responsible and best value Proposer, Timothy and Pamela Grubbs PT, Apopka. The Contractor shall pay to the County a commission of 15% of gross receipts. Commissions will be paid on a monthly basis for the term of the agreement which will be in effect for a period of three (3) years with two (2) additional renewable periods of two (2) years each.

Administrative Services/Support Services, Library & Leisure Services/Parks & Recreation and Fiscal Services/Purchasing and Contracts Division recommend the Board to award the project and authorize the County Manager to execute the contract as approved and prepared by the County Attorney's Office and pursuant to the RFP documents.

PROFESSIONAL SERVICES

- 19. Authorize Negotiations and Award Master Agreements for PS-5153-03/AJP – Master Agreement for Professional Services for Landscape Architecture and Irrigation Design Services to David Wickham & Associates, Inc.; Lake Mary; and Lucido & Sole Design of Orlando (Not-to-Exceed \$100,000.00/per year for both agreements combined).**

PS-5153-03/AJP is a Master Agreement with multiple consultants that will provide services for miscellaneous landscape and irrigation projects to be identified throughout the year during the community involvement and design process. Typical Public Works landscape and irrigation system projects for Professional Services will include but not be limited to roadway, landscape and "hardscape" features (signage, walls, planters, decorative paving, lighting, etc.) and building site work.

This project was publicly advertised and the County received four submittals (listed in alphabetical order):

- CPH Engineers, Inc., Sanford;
- David Wickham & Associates, Inc., Lake Mary;
- Lucido & Sole Design, Orlando;
- Meyer Bongirno MSI, Winter Park.

The Evaluation Committee which consisted of Antoine Khoury, P.E., Principal Engineer; Jerry McCollum, P.E., County Engineer; Mark Lichtenheld, Special Projects; and Frank Van Pelt III, P.E., Principal Engineer, evaluated the submittals. The Evaluation Committee found all submittals acceptable and requested interviews from all submittals.

Consideration was given to the following criteria:

- Ability to Demonstrate Proficiencies with Standards and Practices;
- Similar Project Experience and Past Performance;
- Project Manager Qualifications and Experience;
- Approach to Project – Innovative Solutions;
- Proposed Project Team;
- Proposed Project Resources.

The Evaluation Committee recommends that the Board approve the ranking below and authorize staff to negotiate with the top two ranked firms in accordance with F.S. 287.055, the Consultants Competitive Negotiation Act (CCNA):

1. David Wickham & Associates, Inc., Lake Mary;
2. Lucido & Sole Design, Orlando;
3. Meyer Bongirno MSI, Winter Park;
4. CPH Engineers, Inc., Sanford.

The contract will become effective upon execution and will remain in effect for a period of one year. At the sole option of the County, the contract may be renewed for two additional terms not to exceed one year each for a total contract term of three years.

Authorization for performance of services by the Consultants under this agreement shall be in the form of written Work Orders issued and executed by the County and signed by the Consultants. The work and dollar amount for each Work Order will be negotiated on an as-needed basis for each project. The total amount for all work orders issued under both agreements combined will not exceed \$100,000.00 per year.

Funds are available in account number 077515-56067000 (Engineering/Roads). Public Works/ Engineering Division and Fiscal Services/Purchasing and Contracts Division recommend that the Board approve and authorize the Chairman to execute the Master Agreements as prepared by the County Attorney's Office.

20. **Approve Amendment #6 to PS-549-00/BJC – Architectural and Engineering Services for the Seminole County New Criminal Justice Center and Renovation of Existing Courthouse, with HKS Architects, Inc. of Tampa, FL (add \$91,000.00 to Existing Courthouse Renovations).**

PS-549-00/BJC was approved by the Board in November, 2000 and provides for programming, architectural and engineering services for the new Criminal Justice Center and for renovations to the existing courthouse. Amendment #6 will provide for additional services regarding the renovation of the existing courthouse.

The Architects fee for the renovation of the existing courthouse was based on the limited scope of services available at that time. Since then, the scope of services needed for renovation of the existing Courthouse has been refined and expanded. Piping failures this summer have shown the need for the replacement of the Heating and Condenser Water piping. This replacement was not anticipated at the time of contract award. The additional cost for the engineering services needed for this replacement is \$37,500.

Other additional services to be included in the architects scope of services are adding security vestibules in the lobby, extensive interior re-work to the third floor, additional furniture selection for public areas, more extensive redesign in the of the courtroom area and judges benches – including the re-design of Courtroom F to a jury courtroom. The fee for all of these additional services is \$53,500.

The total additional fixed fee to cover both of the additional scope items is \$91,000. This is an approximately 3% increase over the original contract amount. The following is a summary of the cost of PS-549-00/BJC:

Original Contract Amount-Professional Services	\$2,995,920
Original Contract Amount-Reimbursable Expense	<u>\$ 150,000</u>
Original Contract Amount-Total	\$3,145,920
Amendments #1 through #5	94,123
Amendment #6-Add	<u>91,000</u>
New Total Contract Amount	\$3,331.043

The new contract total amount is broken down into \$3,116,043 for professional services and \$215,000 for reimbursable expenses.

Administrative Services and Fiscal Services/Purchasing and Contracts Division recommend the Board to approve and authorize the County Manager to execute the Amendment as prepared by the County Attorney's Office.

TERM CONTRACTS

- 21. Approve Extension for A/B-378-99/GMG – Term Contract for Hot and Cold Asphaltic Concrete, with Orlando Paving Company, Orlando (Not-to-Exceed \$3,500,000.00) (March 7, 2004 through March 6, 2005).**

A/B-378-99/GMG provides for hot and cold asphaltic concrete utilized by the County Roads Division for various projects throughout the County. The County entered into an agreement with Orlando Paving Company on March 7, 1999 for these services and the company has agreed to extend the current agreement including same terms, conditions and price schedule.

The Purchasing and Contracts Division and Roads Division conducted research throughout the surrounding counties to establish a baseline for comparison purposes of the price schedule established in the Seminole County agreement. It was determined that the price schedule guaranteed to the County for the upcoming period is very advantageous and in most instances better than those offered to other entities. The User Department is requesting an extension of the current agreement based on the escalation of cost demonstrated in the last year to other agencies.

Authorization for performance of services by the Contractor under this agreement shall be in the form of written Purchase Orders issued and executed by the County on an as-needed basis based on the terms and conditions of the agreement. The estimated usage of this contract for a year-period is \$3,500,000.00

This is a budgeted project and funds are available in account number 077400-53034000 (Roads, Contracted Services). Public Works/Roads and Fiscal Services/Purchasing and Contracts Division recommend the Board to approve the extension and authorize the Purchasing and Contracts Division to notify the Contractor of such approval.